

Department of Justice

§ 79.31

provider that were created within the period six months before and six months after the date of diagnosis of primary cancer of the liver:

(i) All history and physical examination reports;

(ii) All operative and consultation reports;

(iii) All pathology reports; and

(iv) All physician, hospital, and health care facility admission and discharge summaries.

(2) In the event that any of the records in paragraph (a)(1) of this section no longer exist, the claimant or eligible surviving beneficiary must submit a certified statement by the custodian(s) of those records to that effect.

(b) If the medical records listed in paragraph (a) of this section, or information possessed by the state cancer or tumor registries, indicates the presence of hepatitis B or cirrhosis, the Radiation Exposure Compensation Program will notify the claimant or eligible surviving beneficiary and afford that individual the opportunity to submit other written medical documentation or contemporaneous records in accordance with § 79.72(b) to establish that in fact there was no presence of hepatitis B or cirrhosis.

(c) The Program may also require that the claimant or eligible surviving beneficiary provide additional medical records or other contemporaneous records, or an authorization to release such additional medical and contemporaneous records, as may be needed to make a determination regarding the indication of the presence of hepatitis B or cirrhosis.

Subpart D—Eligibility Criteria for Claims by Onsite Participants

§ 79.30 Scope of subpart.

The regulations in this subpart describe the criteria for eligibility for compensation under section 4(a)(2)(C) of the Act, and the evidence that will be accepted as proof of the various eligibility criteria. Section 4(a)(2)(C) of the Act provides for a payment of \$75,000 to individuals who participated onsite in the atmospheric detonation of a nuclear device and later developed a specified compensable disease.

§ 79.31 Definitions.

(a) The definitions listed in § 79.11(b), (e), (f), (g), and (h), and in § 79.21, apply to this subpart.

(b) *Atmospheric detonation of a nuclear device* means only a test conducted by the United States prior to January 1, 1963, as listed in paragraph (d) of this section.

(c) *First exposure* or initial exposure means the date on which the claimant first participated onsite in an atmospheric detonation of a nuclear device.

(d) *Period of atmospheric nuclear testing* means one of the periods listed in this paragraph that are associated with each test operation, plus an additional six-month period thereafter:

(1) For Operation Trinity, the period July 16, 1945, through August 6, 1945:

Event name	Date	Location
Trinity	07/16/45	Trinity Test Site

(2) For Operation Crossroads, the period June 28, 1946, through August 31, 1946, for all activities other than the decontamination of ships involved in Operation Crossroads; the period of atmospheric nuclear testing for the decontamination of ships involved in Operation Crossroads shall run from June 28, 1946, through November 30, 1946:

Event name	Date	Location
Able	07/01/46	Bikini
Baker	07/25/46	Bikini

(3) For Operation Sandstone, the period April 13, 1948, through May 20, 1948:

Event name	Date	Location
X-ray	04/15/48	Enewetak
Yoke	05/01/48	Enewetak
Zebra	05/15/48	Enewetak

(4) For Operation Ranger, the period January 27, 1951, through February 7, 1951:

Event name	Date	Location
Able	01/27/51	Nevada Test Site ("NTS")
Baker	01/28/51	NTS
Easy	02/01/51	NTS
Baker-2	02/02/51	NTS
Fox	02/06/51	NTS

(5) For Operation Greenhouse, the period April 5, 1951, through June 20, 1951,

§ 79.31

for all activities other than service as a member of the garrison or maintenance forces on the atoll of Enewetak between June 21, 1951, and July 1, 1952; the period of atmospheric nuclear testing for service as a member of the garrison or maintenance forces on the atoll of Enewetak shall run from April 5, 1951, through July 1, 1952:

Event name	Date	Location
Dog	04/08/51	Enewetak
Easy	04/21/51	Enewetak
George	05/09/51	Enewetak
Item	05/25/51	Enewetak

(6) For Operation Buster-Jangle, the period October 22, 1951, through December 20, 1951:

Event name	Date	Location
Able	10/22/51	NTS
Baker	10/28/51	NTS
Charlie	10/30/51	NTS
Dog	11/01/51	NTS
Sugar	11/19/51	NTS
Uncle	11/29/51	NTS

(7) For Operation Tumbler-Snapper, the period April 1, 1952, through June 20, 1952:

Event name	Date	Location
Able	04/01/52	NTS
Baker	04/15/52	NTS
Charlie	04/22/52	NTS
Dog	05/01/52	NTS
Easy	05/07/52	NTS
Fox	05/25/52	NTS
George	06/01/52	NTS

(8) For Operation Ivy, the period October 29, 1952, through December 31, 1952:

Event name	Date	Location
Mike	11/01/52	Enewetak
King	11/16/52	Enewetak

(9) For Operation Upshot-Knothole, the period March 17, 1953, through June 20, 1953:

Event name	Date	Location
Annie	03/17/53	NTS
Nancy	03/24/53	NTS
Ruth	03/31/53	NTS
Dixie	04/06/53	NTS
Ray	04/11/53	NTS
Badger	04/18/53	NTS
Simon	04/25/53	NTS
Encore	05/08/53	NTS
Harry	05/19/53	NTS
Grable	05/25/53	NTS
Climax	06/04/53	NTS

28 CFR Ch. I (7–1–08 Edition)

(10) For Operation Castle, the period February 27, 1954, through May 31, 1954

Event name	Date	Location
Bravo	03/01/54	Bikini
Romeo	03/27/54	Bikini
Koon	04/07/54	Bikini
Union	04/26/54	Bikini
Yankee	05/05/54	Bikini
Nectar	05/14/54	Enewetak

(11) For Operation Teapot, the period February 18, 1955, through June 10, 1955:

Event name	Date	Location
Wasp	02/18/55	NTS
Moth	02/22/55	NTS
Tesla	03/01/55	NTS
Turk	03/07/55	NTS
Hornet	03/12/55	NTS
Bee	03/22/55	NTS
Ess	03/23/55	NTS
Apple-1	03/29/55	NTS
Wasp Prime	03/29/55	NTS
Ha	04/06/55	NTS
Post	04/09/55	NTS
Met	04/15/55	NTS
Apple-2	05/05/55	NTS
Zucchini	05/15/55	NTS

(12) For Operation Wigwam, the period May 14, 1955, through May 15, 1955:

Event name	Date	Location
Wigwam	05/14/55	Pacific

(13) For Operation Redwing, the period May 2, 1956, through August 6, 1956, for all activities other than service as a member of the garrison or maintenance forces on the atoll of Enewetak from August 7, 1956, through August 7, 1957; the period of atmospheric nuclear testing for service as a member of the garrison or maintenance forces on the atoll of Enewetak shall run from May 2, 1956, through August 7, 1957:

Event name	Date	Location
Lacrosse	05/05/56	Enewetak
Cherokee	05/21/56	Bikini
Zuni	05/28/56	Bikini
Yuma	05/28/56	Enewetak
Erie	05/31/56	Enewetak
Seminole	06/06/56	Enewetak
Flathead	06/12/56	Bikini
Blackfoot	06/12/56	Enewetak
Kickapoo	06/14/56	Enewetak
Osage	06/16/56	Enewetak
Inca	06/22/56	Enewetak
Dakota	06/26/56	Bikini
Mohawk	07/03/56	Enewetak
Apache	07/09/56	Enewetak
Navajo	07/11/56	Bikini
Tewa	07/21/56	Bikini

Department of Justice

\$79.31

Event name	Date	Location
Huron	07/22/56	Enewetak

(14) For Operation Plumbbob, the period May 28, 1957, through October 22, 1957:

Event name	Date	Location
Boltzmann	05/28/57	NTS
Franklin	06/02/57	NTS
Lassen	06/05/57	NTS
Wilson	06/18/57	NTS
Priscilla	06/24/57	NTS
Hood	07/05/57	NTS
Diablo	07/15/57	NTS
John	07/19/57	NTS
Kepler	07/24/57	NTS
Owens	07/25/57	NTS
Stokes	08/07/57	NTS
Shasta	08/18/57	NTS
Doppler	08/23/57	NTS
Franklin Prime	08/30/57	NTS
Smoky	08/31/57	NTS
Galileo	09/02/57	NTS
Wheeler	09/06/57	NTS
Laplace	09/08/57	NTS
Fizeau	09/14/57	NTS
Newton	09/16/57	NTS
Whitney	09/23/57	NTS
Charleston	09/28/57	NTS
Morgan	10/07/57	NTS

(15) For Operation Hardtack I, the period April 26, 1958, through October 31, 1958, for all activities other than service as a member of the garrison or maintenance forces on the atoll of Enewetak from November 1, 1958, through April 30, 1959; the period of atmospheric nuclear testing for service as a member of the garrison or maintenance forces on the atoll of Enewetak shall run from April 26, 1958, through April 30, 1959:

Event name	Date	Location
Yucca	04/28/58	Pacific
Cactus	05/06/58	Enewetak
Fir	05/12/58	Bikini
Butternut	05/12/58	Enewetak
Koa	05/13/58	Enewetak
Wahoo	05/16/58	Enewetak
Holly	05/21/58	Enewetak
Nutmeg	05/22/58	Bikini
Yellowwood	05/26/58	Enewetak
Magnolia	05/27/58	Enewetak
Tobacco	05/30/58	Enewetak
Sycamore	05/31/58	Bikini
Rose	06/03/58	Enewetak
Umbrella	06/09/58	Enewetak
Maple	06/11/58	Bikini
Aspen	06/15/58	Bikini
Walnut	06/15/58	Enewetak
Linden	06/18/58	Enewetak
Redwood	06/28/58	Bikini
Elder	06/28/58	Enewetak
Oak	06/29/58	Enewetak
Hickory	06/29/58	Bikini
Sequoia	07/02/58	Enewetak

Event name	Date	Location
Cedar	07/03/58	Bikini
Dogwood	07/06/58	Enewetak
Poplar	07/12/58	Bikini
Scaevola	07/14/58	Enewetak
Pisonia	07/18/58	Enewetak
Juniper	07/22/58	Bikini
Olive	07/23/58	Enewetak
Pine	07/27/58	Enewetak
Teak	07/31/58	Johnston Isl
Qunice	08/06/58	Enewetak
Orange	08/11/58	Johnston Isl
Fig	08/18/58	Enewetak

(16) For Operation Argus, the period August 25, 1958, through September 10, 1958:

Event name	Date	Location
Argus I	08/27/58	South Atlantic
Argus II	08/30/58	South Atlantic
Argus III	09/06/58	South Atlantic

(17) For Operation Hardtack II, the period September 19, 1958, through October 31, 1958:

Event name	Date	Location
Eddy	09/19/58	NTS
Mora	09/29/58	NTS
Quay	10/10/58	NTS
Lea	10/13/58	NTS
Hamilton	10/15/58	NTS
Dona Ana	10/16/58	NTS
Rio Arriba	10/18/58	NTS
Socorro	10/22/58	NTS
Wrangell	10/22/58	NTS
Rushmore	10/22/58	NTS
Sanford	10/26/58	NTS
De Baca	10/26/58	NTS
Humboldt	10/29/58	NTS
Mazama	10/29/58	NTS
Santa Fe	10/30/58	NTS

(18) For Operation Dominic I, the period April 23, 1962, through December 31, 1962:

Event name	Date	Location
Adobe	04/25/62	Christmas Isl
Aztec	04/27/62	Christmas Isl
Arkansas	05/02/62	Christmas Isl
Questa	05/04/62	Christmas Isl
Frigate Bird	05/06/62	Pacific
Yukon	05/08/62	Christmas Isl
Mesilla	05/09/62	Christmas Isl
Muskegon	05/11/62	Christmas Isl
Swordfish	05/11/62	Pacific
Encino	05/12/62	Christmas Isl
Swanee	05/14/62	Christmas Isl
Chetco	05/19/62	Christmas Isl
Tanana	05/25/62	Christmas Isl
Nambe	05/27/62	Christmas Isl
Alma	06/08/62	Christmas Isl
Truckee	06/09/62	Christmas Isl
Yeso	06/10/62	Christmas Isl
Harlem	06/12/62	Christmas Isl
Rinconada	06/15/62	Christmas Isl
Dulce	06/17/62	Christmas Isl

§ 79.32

Event name	Date	Location
Petit	06/19/62	Christmas Isl
Otowi	06/22/62	Christmas Isl
Bighorn	06/27/62	Christmas Isl
Bluestone	06/30/62	Christmas Isl
Starfish	07/08/62	Johnston Isl
Sunset	07/10/62	Christmas Isl
Pamlico	07/11/62	Christmas Isl
Androscoggin	10/02/62	Johnston Isl
Bumping	10/06/62	Johnston Isl
Chama	10/18/62	Johnston Isl
Checkmate	10/19/62	Johnston Isl
Bluegill	10/25/62	Johnston Isl
Calamity	10/27/62	Johnston Isl
Housatonic	10/30/62	Johnston Isl
Kingfish	11/01/62	Johnston Isl
Tightrope	11/03/62	Johnston Isl

(19) For Operation Dominic II, the period July 7, 1962, through August 15, 1962:

Event name	Date	Location
Little Feller II	07/07/62	NTS
Johnie Boy	07/11/62	NTS
Small Boy	07/14/62	NTS
Little Feller I	07/17/62	NTS

(20) For Operation Plowshare, the period July 6, 1962, through July 7, 1962, covering Project Sedan.

§ 79.32 Criteria for eligibility for claims by onsite participants.

To establish eligibility for compensation under this subpart, a claimant or eligible surviving beneficiary must establish each of the following:

- That the claimant was present onsite at any time during a period of atmospheric nuclear testing;
- That the claimant was a participant during that period in the atmospheric detonation of a nuclear device; and
- That after such participation, the claimant contracted a specified compensable disease as set forth in § 79.22(b).

§ 79.33 Proof of participation onsite during a period of atmospheric nuclear testing.

(a) *Claimants associated with Department of Defense (DoD) Components or DoD Contractors.* (1) A claimant or eligible surviving beneficiary who alleges that the claimant was present onsite during a period of atmospheric nuclear testing as a member of the armed forces or an employee or contractor employee of the DoD, or any of its components or agencies, must submit

28 CFR Ch. I (7–1–08 Edition)

the following information on the claim form:

- The claimant's name;
- The claimant's military service number;
- The claimant's Social Security number;
- The site at which the claimant participated in the atmospheric detonation of a nuclear device;
- The name or number of the claimant's military organization or unit assignment at the time of his or her onsite participation;
- The dates of the claimant's assignment onsite; and

(vii) As full and complete a description as possible of the claimant's official duties, responsibilities, and activities while participating onsite.

(2) A claimant or eligible surviving beneficiary under this section need not submit any additional documentation of onsite participation during the atmospheric detonation of a nuclear device at the time the claim is filed; however, additional documentation may be required as set forth in paragraph (a)(3) of this section.

(3) Upon receipt under this subpart of a claim that contains the information set forth in paragraph (a)(1) of this section, the Radiation Exposure Compensation Program will forward the information to the DoD and request that the DoD conduct a search of its records for the purpose of gathering facts relating to the claimant's presence onsite and participation in the atmospheric detonation of a nuclear device. If the facts gathered by the DoD are insufficient to establish the eligibility criteria in § 79.32, the claimant or eligible surviving beneficiary will be notified and afforded the opportunity to submit military, government, or business records in accordance with the procedure set forth in § 79.72(c).

(b) *Claimants Associated with the Atomic Energy Commission (AEC) or the Department of Energy (DOE), or Who Were Members of the Federal Civil Defense Administration or the Office of Civil and Defense Mobilization.* (1) A claimant or eligible surviving beneficiary who alleges that the claimant was present onsite during the atmospheric detonation of a nuclear device as an employee of the